

*Filed by
undersigned
Dec 15, 2003
Warrant Based 12/15/03*

UNITED STATES DISTRICT COURT
GREAT FALLS DIVISION, DISTRICT OF MONTANA

FILED
GREAT FALLS DIV.

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL COMPLAINT
MCR 03-64-GF-050

'03 DEC 15 AM 11 55
PATRICK J. COLLINS
BY *Marilyn Sersack*
DEPUTY CLERK

V.

TONY BRYAN GUERRIERI,

Defendant.

DISTRIBUTION OF CHILD PORNOGRAPHY
Title 18 U.S.C. § 2252A(a)(2)(A) (Count I)
(Penalty: Fifteen years imprisonment,
\$250,000 fine, and three years supervised
release)

POSSESSION OF CHILD PORNOGRAPHY
Title 18 U.S.C. § 2252A(a)(5)(B) (Count II)
(Penalty: Five years imprisonment, \$250,000
fine, and three years supervised release)

I, James A. Wilson, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief:

COUNT I

That on or before July 2, 2003, at Great Falls, in the State and District of Montana, the defendant, TONY BRYAN GUERRIERI, knowingly distributed child pornography, namely a computer file entitled "2yo-lucyfull1-1.rm" containing a movie clip of a minor engaging in sexually explicit conduct, in interstate or foreign commerce by a computer, in violation of Title 18 U.S.C. § 2252A(a)(2)(A).

COUNT II

That on or about August 6, 2003, at Great Falls, in the State and District of Montana, the defendant, TONY BRYAN GUERRIERI, knowingly possessed approximately 4000 computer files containing an image or images of child pornography that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by a computer, or that was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, in violation of Title 18 U.S.C. § 2252A(a)(5)(B).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based upon the following facts:

1. A Federal Search Warrant was served on the residence of Tony Bryan Guerrieri on August 6, 2003, to obtain possible evidence of Possession of Child Pornography, in violation of Title 18 United States Code Section 2252A(a)(4)(B). Computer files obtained during the search were analyzed by the Federal Bureau of Investigation, and it was determined that there were approximately 1,988 images and 90 movie clips of child pornography. The files depicted children engaged in sexual acts with an adult and/or with other children, child urination, child bestiality, child bondage, lewd exhibition of the genitals, and child nudity.


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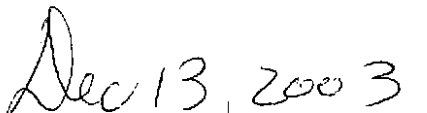
2. During the search of his residence, Tony Guerrieri told interviewing agents that he was the only person who used the internet at his residence. Guerrieri stated that agents would find child pornography on his computer, as it was "unwanted spam" which he received while on the internet.

3. On about July 2, 2003, a computer file entitled "2yo-lucyfull1-1.rm" was retrieved by Croatian Interior Ministry officials in Zagreb who were investigating a separate child pornography matter. This file was obtained when officials entered an internet user group, of which their suspect was a member. Subsequent investigation by the FBI has shown that Guerrieri's computer was the source of that file. The computer file titled "2yo-lucyfull1-1.rm" is a movie clip of an approximately three to five year old girl being fondled and then vaginally raped by an adult male.

DATED this 13th day of December, 2003.



JAMES A. WILSON
Special Agent, FBI



Date



at Great Falls, Montana

ROBERT M. HOLTER
U.S. Magistrate Judge